
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No.: EB-FIELDNER-15-00018699
)	
Costa-Eagle Radio Ventures Limited Partnership)	NOV No.: V201532260003
Licensee of Station WCCM (AM))	
)	Facility ID: 13998
Salem, New Hampshire)	
)	
)	

NOTICE OF VIOLATION

Released: April 2, 2015

By the District Director, Boston Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Costa-Eagle Radio Ventures Limited Partnership, licensee of Station WCCM (AM) in Salem, New Hampshire. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On March 16, 2014, in response to a complaint, an agent of the Enforcement Bureau's Boston Office monitored Station WCCM (AM) located at Salem, New Hampshire, and observed the following violation(s):

- a. 47 C.F.R. § 73.1745(a): "No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part." Station WCCM (AM) is authorized a daytime transmit power of 5000W. The post-sunset operation authorized to WCCM (AM) for the month of March is 10 watts. At 7:30 PM (ET) WCCM (AM) must cease transmitting for the night. On March 16, 2015, the agent monitored WCCM (AM) from 6:30 PM until 7:45 PM and observed the station continue operating beyond the times and power specified in its post-sunset authority.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Costa-Eagle Radio Ventures Limited Partnership must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Costa-Eagle Radio Ventures Limited Partnership to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Costa-Eagle Radio Ventures Limited Partnership with personal knowledge of the representations provided in Costa-Eagle Radio Ventures Limited Partnership's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Boston Office
1 Batterymarch Park, Suite 102
Boston, Massachusetts 02169

6. This Notice shall be sent to Costa-Eagle Radio Ventures Limited Partnership at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Dennis Loria
District Director
Boston District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).